



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2762

DATE SCANNED 3/14/14

SCANNER NO. 2

SCAN OPERATOR EES

14092694334



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2013 OCT 18 PM 1:51

October 18, 2013

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *AP a/n*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin DeCarmine/Sari Pickerall *KD*  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2013 Mid-Year Report for the  
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2013 Mid-Year Report in accordance with 2 U.S.C. 434(a). The Mid-Year Report was due on July 31, 2013. This report was initially circulated to the Commission on September 30, 2013; however, due to the federal government shutdown, it is being recirculated.

The committees listed in the attached RTB Circulation Report either failed to file the report or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission  
Reason to Believe Circulation Report  
2013 MID-YEAR REPORT Not Election Sensitive 07/31/2013 UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2761	C00528760	POLISH AMERICAN LEADERSHIP PAC		LUCAS FUKSA	\$136,578	0	9/7/2013	Not Filed	\$136,578	\$4,950
2762	C00510636	WINNING FREEDOM INC		BRANDON TODD	\$110,804	0		Not Filed	\$110,804 (est)	\$4,950

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Withdrawal and Recirculation of Reason To )  
Believe Recommendation - 2013 Mid-Year )  
Report for the Administrative Fine )  
Program: )  
POLISH AMERICAN LEADERSHIP ) AF# 2761  
PAC, and LUCAS FUKSA as treasurer; )  
WINNING FREEDOM INC, and ) AF# 2762  
BRANDON TODD as treasurer; )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on October 21, 2013 the Commission took the following actions on the Withdrawal and Recirculation of Reason To Believe Recommendation - 2013 Mid-Year Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated October 18, 2013, on the following committees:

AF#2761 Decided by a vote of 4-0 to: (1) find reason to believe that POLISH AMERICAN LEADERSHIP PAC, and LUCAS FUKSA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2762 Decided by a vote of 4-0 to: (1) find reason to believe that WINNING FREEDOM INC, and BRANDON TODD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

October 22, 2013  
Date

Attest:  
Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 22, 2013

Brandon Todd, in official capacity as Treasurer  
Winning Freedom Inc  
12116 Jekel Cir  
Austin, TX 78727

C00510636  
AF#: 2762

Dear Mr. Todd:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Mid-Year Report of Receipts and Disbursements in any calendar year other than one during which a regularly scheduled general election is held. This report, covering the period January 1, 2013 through June 30, 2013, shall be filed no later than July 31, 2013. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On October 21, 2013, the FEC found that there is reason to believe ("RTB") that Winning Freedom Inc and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before July 31, 2013. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$4,950. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$4,950 is due within forty (40) days of the finding, or by November 30, 2013, and is based on these factors:

Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$110,804  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your

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committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or November 30, 2013. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Winning Freedom Inc and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

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### 3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

## **NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

### 4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

### 5. Settlement Offers

If you make a payment in an amount less than the calculated civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ellen L. Weintraub  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$4,950 for the 2013 Mid-Year Report Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by November 30, 2013. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Winning Freedom Inc

FEC ID#: C00510636

AF#: 2762

PAYMENT DUE DATE: November 30, 2013

PAYMENT AMOUNT DUE: \$4,950

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2014 FEB -7 AM 9:10

**SENSITIVE**

February 6, 2014

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: *KR* Kristin D. Roser/Sari Pickeral *SP*  
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the  
2013 Mid-Year Report

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the 2013 Mid-Year Report. The committee has not paid the civil money penalty requested at RTB and has been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.40, the Commission shall send a final determination notice to the respondent that has not paid the civil money penalty.

For your information, Winning Freedom Inc (AF 2762) filed the 2013 July Quarterly Report with coverage dates including the 2013 Mid-Year Reporting period after the RTB finding. The Committee disclosed no activity (previously estimated to be \$110,804), which would result in no civil money penalty (fine previously assessed to be \$4,950).

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### **RAD Recommendation**

- (1) Make a final determination that the political committee and its treasurer listed on the attached report with no activity, violated 2 U.S.C. § 434(a) and will not be assessed a civil money penalty.
- (2) Send the appropriate letter.

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Federal Election Commission  
FD Circulation Report Fine Not Paid  
2013 MID-YEAR REPORT Not Election Sensitive 07/31/2013 UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2762	WINNING FREEDOM INC		C00510636	BRANDON TODD	10/28/2013	Not Filed	\$0	0	10/21/2013	\$4,950	108	NONE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fines Program - Final ) AF 2762  
Determination Recommendation for the )  
2013 Mid-Year Report: Winning )  
Freedom, Inc., and Brandon Todd, as )  
treasurer )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 10, 2014, the Commission decided by a vote of 6-0 to take the following actions in AF#2762:

1. Make a final determination that Winning Freedom, Inc., and Brandon Todd, as treasurer listed on the attached report with no activity, violated 2 U.S.C. §434(a) and will not be assessed a civil money penalty.
2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

February 11, 2014  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Brandon Todd, in official capacity as Treasurer  
Winning Freedom Inc  
12116 Jekel Circle  
Austin, TX 78727

C00510636  
AF#: 2762

Dear Mr. Todd:

On October 21, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Winning Freedom Inc and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) for filing late or failing to file the 2013 Mid-Year Report. By letter dated October 22, 2013, the Commission notified you of the RTB finding and the preliminary civil money penalty calculated at the RTB stage to be \$4,950 in accordance with the schedule of penalties at 11 CFR § 111.43.

Since that time, the amount of the civil money penalty has been changed to reflect the actual level of activity of the 2013 Mid-Year Report. The FEC made a final determination on February 10, 2014 that Winning Freedom Inc and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a), assessed no civil money penalty in accordance with 11 CFR § 111.43, and voted to close the file.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Sari Pickerall on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Lee E. Goodman".

Lee E. Goodman  
Chairman

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FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2762

DATE SCANNED

3/14/14

SCANNER NO.

2

SCAN OPERATOR

EEJ

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